

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RICHARD JOSEPH PERKINS,

Petitioner,

v.

//

CIVIL ACTION NO. 1:06CV148
CRIMINAL NO. 1:05CR76
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 2, 2006, pro se petitioner, Richard Joseph Perkins ("Perkins"), filed a petition pursuant to 28 U.S.C. § 2255. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.15.

On May 27, 2008, Magistrate Judge Kaull issued an Opinion and Report and Recommendation recommending that Perkin's Motion Under § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody be denied and the case be dismissed. The Magistrate Judge recommended denying Perkins' motion because Perkins had knowingly and intelligently waived his rights to collaterally attack his sentence when he entered into a plea agreement with the Government.

The Report and Recommendation also specifically warned that failure to object to the recommendation would result in the waiver

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION

of any appellate rights on this issue. No objections were filed.¹

Therefore, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 42 in 1:05cr76, and dkt. no. 12 in 1:06cv148), **DENIES** the motion under § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (dkt. no. 32 in 1:05cr76 and dkt. no. 1 in 1:06cv148) and **ORDERS** Perkins' case **DISMISSED WITH PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

The Clerk is directed to transmit a copy of this Order to counsel of record, and to mail a copy to the pro se petitioner, certified mail, return receipt requested.

Dated: June 23, 2008

/s/ Irene M. Keeley

IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).